IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1306 of 2007(E)

AGAINST THE ORDER IN EP 24/2005 IN
OS.77/2000 of SUB COURT, TIRUR
OS.77/2000 of SUB COURT, OTTAPPALAM
(EP 86/2006)

.....

PETITIONER:

ABDUL REHMAN P.O., S/O.LATE SAIDALI,
PANDAPULACKAL HOUSE, KOODALLOOR, TRITHALA,
OTTAPALAM TALUK.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS:

VALANCHERY SPECIAL GRADE PANCHAYATH,
VALANCHERY POST, REPRESENTED BY ITS SECRETARY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.1306 OF 2007

DATED THIS THE 11th DAY OF JANUARY, 2007

JUDGMENT

Petitioner is judgment debtor and respondent, the decree holder. This petition is filed under Article 227 of Constitution of India for a direction to the executing Court to grand instalment facility to pay the decree debt.

2. Learned Counsel appearing for petitioner was heard.

3. Learned Counsel appearing for petitioner submitted that the case now stands posted for sale to 22.1.07 and executing Court will not grand instalment facility and therefore there should be a direction to the executing Court to allow instalment facility.

4. If petitioner pays or deposits Rs.30,000/- for payment to the decree holder before the executing Court and files an application before the executing Court to adjourn the sale, executing Court shall adjourn the sale. Meanwhile petitioner is at liberty to file a petition before the executing Court for payment of balance decree debt in instalments. Executing Court to pass appropriate order in the application, if filed in accordance with law.

Petition disposed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd